

## § 6-1451. County court records.

(A) Minimum Requirements. County court records shall be organized as set out in the Records Model in the County Court Procedures Manual.

(B) Media Used. County court records may be maintained on any media approved by the State Court Administrator. The requirements contained in the Rules and Regulations of the State Records Administrator shall be observed. Docket books, registers of action, and indexes are not required for that portion of a court's caseload which is part of the county court automation system.

(C) Paper Size. Pleadings filed in the county courts shall be on white paper measuring 8½ by 11 inches. Forms used in the courts shall be on paper no larger than 8½ by 11 inches and no smaller than 8½ by 5½ inches.

(D) Standard Forms. Approved standard forms contained on the Nebraska Supreme Court Web site shall be used without modification where possible. Modifications must be approved by the State Court Administrator before a modified form can be printed or used.

(E) Transcript and Bill of Exceptions Checkout. Any bill of exceptions prepared for appeal of a case to the Supreme Court or Court of Appeals and filed in the office of the clerk of the county court shall be made available for checkout to an attorney of record for a period of 30 days. A receipt shall be signed for such record and left with the clerk. If counsel is notified by the clerk of the county court within the 30-day checkout period that the bill of exceptions is required for filing with the appellate courts pursuant to Neb. Ct. R. App. P. § 2-105(B)(3)(d) the attorney shall immediately return the record to the clerk of the county court.

In the event that a brief date extension is requested by counsel of record pursuant to Neb. Ct. R. App. P. § 2-109, and the same is granted, the clerk of the county court shall afford counsel additional time to retain such bill of exceptions to complete the appellate brief. Such additional time shall be for either (1) a period not to exceed the date established as the Final Brief Date in the appellate court order or (2) a period of 30 days if no Final Brief Date is set therein. A copy of such extension request and order granting the same shall be sent to the clerk of the county court by counsel making such request.

Any litigant is entitled to inspect the original transcript and bill of exceptions in his or her case at the office of the clerk of the trial court. Transcripts and bills of exceptions shall not be checked out to litigants. Any nonincarcerated litigant is entitled to obtain a copy of his or her transcript or bill of exceptions by filing a written request with the clerk of the trial court. A copy of the transcript shall be prepared by the clerk of the trial court and a copy of the bill of exceptions shall be prepared by the court stenographer at litigant's cost unless the litigant has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the transcript and/or the bill of exceptions once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's costs.

When a request is made to the clerk of the trial court for a transcript of pleadings by or on behalf of any incarcerated person, the clerk of the trial court shall prepare two copies, one to

be filed in the court to which the matter is being appealed and one to be sent to the incarcerated person at the correctional center where he or she resides. The cost shall be paid by the person making the request unless the person has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the transcript once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's cost.

When a request is made by or on behalf of any incarcerated person for a bill of exceptions, the court stenographer shall prepare the original to be filed with the clerk of the trial court. The court stenographer shall also prepare a duplicate copy at the statutory rate for copies and send it to the incarcerated person at the correctional center where he or she resides. The copy shall contain the index of exhibits but shall not include exhibits. The cost shall be paid by the person making the request unless that person has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the bill of exceptions once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's cost. An incarcerated person may request copies of exhibits by filing a motion with the court having jurisdiction of the case.

Where a request for a copy of a transcript or a bill of exceptions is made on an in forma pauperis basis and an action is not pending, good cause must be shown by the litigant making the request for the necessity of a copy. A copy shall be provided only upon an order of the court.

*Rule 51 adopted September 1987; amended May 21, 2003. Renumbered and codified as § 6-1451, effective July 18, 2008.; §§ 6-1451(A), (C), and (D) amended June 8, 2011.*

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